

4379. Misbranding of "Hesperian Tonic" and "Temple of Health."
U. S. * * * v. Henry Gracey (Temple of Health Medicine Co.).
Plea of guilty. Fine, \$100. (F. & D. No. 6052. I. S. Nos. 7606-e,
7607-e.)

On November 3, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry Gracey, trading as the Temple of Health Medicine Co., San Francisco, Cal., alleging the shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 23, 1913, from the State of California into the State of Utah, of quantities of "Hesperian Tonic" and "Temple of Health," which were misbranded. The "Hesperian Tonic" was labeled: (On carton) "Worth \$50 a bottle. Hesperian Tonic Alcohol 34 Per Cent. Each Fluid Ounce Contains Flussiges Eisenchlorid Gms. 7,500 Versus-sier Saltpetergust Gms. 15,000 Distillirte Wasser Gms. 7,500 Dr. J. W. Roberts' Successful Formula For General Debility, Malaria, all Throat and Bronchial Affections, for Diphtheria, Croup, Whooping Cough, Coughs, Colds, Hoarseness, Sore Throat, Bronchitis, Catarrh, Asthma, Erysipelas, Scrofula, Salt Rheum, Canker, Ulcers, Poison Oak, Old Sores, Eruptive Diseases of the Skin, Measles, Scarlet Fever, Pneumonia, Typhoid Fever. Full directions around each bottle. Serial No. 27764. Guaranteed by Temple of Health Medicine Co. under the food and drugs act June 30, 1906. Price \$1.00." (On back of carton) "Give dose three times a day in all the ailments mentioned on front of this carton with the exception of the following where special directions are given below: viz: Diphtheria, Croup, Erysipelas, Poison Oak, Measles, Scarlet Fever, Typhoid Fever, Pneumonia and Very Bad Cold. Diphtheria—Give dose every hour diluted in the proportion of 20 drops of the Tonic in 1 tablespoonful of water according to age, until the disease is broken, which is generally from 24 to 36 hours. Then give every 2 hours until well. Keep the bowels well open daily. Croup—To overcome Croup almost instantly, give the Tonic, dose according to age, diluted in the proportion of 20 drops to 1 tablespoonful of water: repeat in five minutes and the Croup will be gone. Erysipelas—For adults, take of the Tonic 25 drops in 4 tablespoonfuls of water every hour for 24 hours then give three times daily until well. Keep the bowels well open. Poison Oak—For adults, take 25 drops of the Tonic in 4 tablespoonfuls of water every two hours; keep the bowels well open with senna. Dose for children in proportion according to age. Measles and Scarlet Fever—Give the Tonic the same as in Diphtheria, every hour until the rash is well out then give dose three times daily until well. Keep the bowels well open daily with senna or castor oil. Typhoid Fever—Give Tonic in doses of 25 drops in 2 tablespoonfuls of water every hour until the fever breaks, which is generally from 24 to 36 hours. Then give the tonic 3 times daily until well. Keep the bowels relaxed with castor oil. When food is called for feed the patient boiled rice and corn starch with pure cream, but no milk under any circumstances. Pneumonia—Give the Tonic, in doses of 20 drops in 1 tablespoonful of water every hour for the first 24 hours, then if patient is well relieved give Tonic 3 times daily until well. Place an onion poultice over lung surface and keep there until well. Keep the bowels well relaxed with either castor oil or senna. Very Bad Cold—Take the Tonic according to age in the proportion of 20 drops to 4 tablespoonfuls of water every 2 hours until well relieved. Keep the bowels well open with castor oil or senna should the lungs be affected place an onion poultice over the lung surface and wear until fully relieved. Full directions wrapped around each bottle. Prepared only by the Temple of Health Medicine Co., San Francisco, Cal., U. S. A. Directions for Using Hes-

perian Tonic:—Give to a child 1 to 6 months old 1 to 2 drops of the Tonic in one-half teaspoonful of water; 6 months to 1 year old, 3 drops in one teaspoonful of water; 2 years old, 6 drops in two teaspoonfuls of water; 3 years old, 9 drops in one tablespoonful of water; 4 years old, 12 drops in one tablespoonful of water; 5 years old, 15 drops in $1\frac{1}{2}$ tablespoonfuls of water; 6 years old 17 drops in $1\frac{1}{2}$ tablespoonfuls of water; 7 years old, 18 drops in $1\frac{1}{2}$ tablespoonfuls of water; 8 years old, 19 drops in 2 tablespoonfuls of water; 9 years old, 20 drops in 2 tablespoonfuls of water; 10 years old, 21 drops in 2 tablespoonfuls of water; 11 years old, 22 drops in 2 tablespoonfuls of water; 12 years old, 23 drops in $2\frac{1}{2}$ tablespoonfuls of water; 13 years old, 24 drops in $2\frac{1}{2}$ tablespoonfuls of water; 14 years old, 25 drops in $2\frac{1}{2}$ tablespoonfuls of water. For children older and for adults, 25 to 30 drops in $2\frac{1}{2}$ tablespoonfuls of water, the Tonic always to be dropped into a teacup or tumbler and diluted with water as above, in the proportions of 20 drops to 2 tablespoonfuls of water. For example, 5 drops, one-half tablespoonful; 10 drops, one tablespoonful, etc. See ailments on front and dosage for same on back and opposite side of carton. Full directions wrapped around each bottle." (On bottle) "Worth \$50 a bottle Hesperian Tonic Natures Remedy Alcohol 34 Per Cent Each Fluid Ounce Contains Flussiges Eisenchlorid Gms. 7,500 Versus-sier Saltpetergust Gms. 15,000 Distillirte Wasser Gms. 7,500 The Great Tonic and Blood Purifier Read Back of Bottle Serial No. 27764. Guaranteed by Temple of Health Medicine Co. under the food and drugs act, June 30, 1906." (On back of bottle) "Hesperian Tonic, Dr. J. W. Roberts' Successful Formula for General Debility, Malaria, all Throat and Bronchial Affections, for Diphtheria, Croup, Whooping Cough, Coughs, Colds, Hoarseness, Sore Throat, Bronchitis, Catarrh, Asthma, Erysipelas, Scrofula, Canker, Salt Rheum, Ulcers, Poison Oak, Old Sores, Eruptive Diseases of the Skin, Measles, Scarlet Fever, Pneumonia, Typhoid Fever. Full directions around bottle." In the circular or pamphlet accompanying this article appeared, among other things, the following: "Hesperian Tonic surely, safely, effectually, permanently and speedily overcomes the very worst forms of Diphtheria, Croup, Whooping Cough, Coughs, Colds, Hoarseness, Sore Throat, Bronchitis, Catarrh, Asthma, Erysipelas, Scrofula, Salt Rheum (Eczema), Canker, Ulcers and Old Sores of Long Standing, Eruptions and Eruptive Diseases of the Skin, Poison Oak, Measles, Scarlet Fever, Pneumonia and Typhoid Fever." "It effectually controls and overcomes Diphtheria and all affections of the throat. It can not be over-estimated as a preventive in all cases of Diphtheria, Scarlet Fever, Measles or Malaria."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Reaction: Acid.

Total iron, as Fe_2O_3 (grams per 100 cc)----- 2.9

Ethyl nitrite (gram per 100 cc)----- 0.3

Alcohol (per cent by volume)----- 34.4

Odor: Suggests ethyl nitrite.

Chlorids and nitrates: Present.

A hydroalcoholic solution of ferric chlorid, a trace of ethyl nitrite, and decomposition products of ethyl nitrite.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit: (On carton and bottle)

"Successful Formula For * * * Malaria, all Throat and Bronchial Affections, for Diphtheria, Croup, Whooping Cough, * * * Bronchitis, Catarrh, Asthma, * * * Scrofula, Salt Rheum, * * * Eruptive Diseases of the Skin, Measles, Scarlet Fever, Pneumonia, Typhoid Fever," and included in the circular or pamphlet as aforesaid, to wit, "Hesperian Tonic surely, safely, effectually, permanently and speedily overcomes the very worst forms of Diphtheria, Croup, Whooping Cough, * * * Bronchitis, Catarrh, Asthma, * * * Scrofula, Salt Rheum (Eczema), * * * Eruptive Diseases of the Skin, * * * Measles, Scarlet Fever, Pneumonia and Typhoid Fever," "It effectually controls and overcomes * * * all affections of the throat. It can not be over-estimated as a preventive in all cases of Diphtheria, Scarlet Fever, Measles or Malaria," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for malaria, all throat and bronchial affections, diphtheria, croup, whooping cough, bronchitis, catarrh, asthma, scrofula, salt rheum, eruptive diseases of the skin, measles, scarlet fever, pneumonia, and typhoid fever, and as a cure for diphtheria, croup, whooping cough, bronchitis, catarrh, asthma, scrofula, salt rheum (eczema), eruptive diseases of the skin, measles, scarlet fever, pneumonia, typhoid fever, and for all affections of the throat, and as a preventive of diphtheria, scarlet fever, measles, and malaria, when, in truth and in fact, said article was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

The "Temple of Health" was labeled: (On carton) "Worth \$50 a bottle Temple of Health Trade Mark—Registered. Natures Remedy. Alcohol 15 Per Cent Dr. J. W. Roberts' Successful Formula For Constipation and Dyspepsia, Indigestion, Appendicitis, Heart Disease, Rheumatism, Neuralgia, Brights Disease, Dropsy, Diabetes, Catarrh, Tuberculosis, Consumption, Epilepsy, Asthma, Paralysis, Liver Diseases, Female Complaints, and all Chronic Diseases. A Sure Preventive of Apoplexy and Paralysis. Serial No. 27764. Guaranteed by Temple of Health Medicine Co. under the food and drugs Act, June 30, 1906. Price \$1.50 Prepared only by the Temple of Health Medicine Co. Washington, D. C. San Francisco, Cal." (On back of carton) "Dr. J. W. Roberts' Temple of Health Prepared only by The Temple of Health Medicine Co. San Francisco, Cal., U. S. A." (On sides of carton) "Why 'Temple of Health' is Good for so Many Different Ailments. Expert Medical Scientists agree that the Big Intestine is the cause of Death in other words that all the ailments mentioned on front of carton along with all chronic diseases are caused by a retention of hard, knotty lumps of stale poisonous fecal matter in the Big Intestine Bowels which is absorbed into the blood or circulation. These impurities are the source of impure blood and impure blood is the direct cause of very nearly every ailment and disease known to medical science. 'Temple of Health' removes the cause of sickness and disease by dissolving softening and ridding the Big Intestine (Bowels) of this hardened mass of stale poisonous fecal matter, and at the same time increases and strengthens the expelling power of the Bowels (or Big Intestine) and in a short time convinces the most skeptical of the truthfulness of the foregoing by the appearance and odor of their stools. 'Temple of Health' cleanses the entire system of all impurities from whatever cause and brings into life and activity every organ and nerve of the human body, and when this is accomplished sickness and disease cannot exist. Read the enclosed booklet carefully. Temple

of Health * * * Combination of the Pure Juices of * * * Vegetable Herbs An Eminent Physician's Experience of Forty Years Bottled Up for the Benefit of Mankind." (On bottle) "Worth \$50.00 A Bottle Temple of Health Trade Mark Registered Nature's Remedy Alcohol 15 per cent. Dr. J. W. Roberts Successful Formula for Constipation and Dyspepsia, Indigestion, Appendicitis, Heart Disease, Rheumatism, Neuralgia, Brights Disease, Dropsy, Diabetes, Catarrh, Tuberculosis, Consumption, Epilepsy, Asthma, Paralysis, Liver Diseases, Female Complaints, and all Chronic Diseases. A Sure preventive of Apoplexy and Paralysis. Serial No. 27764. Guaranteed by Temple of Health Medicine Co. under the food and drugs Act, June 30, 1906. Dose From one to two Tablespoonsful Before Meals Prepared only By The Temple of Health Medicine Co." (Blown in bottle) "Temple of Health." The booklet accompanying this article contained, among other things, the following: "A few of the very many ailments and diseases 'Temple of Health' is successful in controlling and overcoming. Among the very many ailments and diseases in which Temple of Health has demonstrated its efficiency and, which are caused directly by impure or poisoned blood, the direct source and cause of impure blood being a retention of a foul, hardened, knotty mass of poisonous, putrid, decaying, fecal matter in the bowels, which is constantly giving off deadly poisons, and its absorption into the blood or circulation, enveloping and contaminating every vital organ throughout the entire system, and in which Temple of Health has been found to be the important factor, will be mentioned Constipation, Costiveness, Rectal and Intestinal Disease, Dyspepsia, Indigestion, Appendicitis, Heart Disease, Rheumatism, Neuralgia, Bright's Disease, Dropsy, Diabetes, Catarrh, Asthma, Bronchitis, Tuberculosis, Consumption, Epilepsy, Convulsions, Paralysis, Apoplexy, Kidney Disorders, Bladder Troubles, Inflammation and Catarrh of the Bladder, Liver Complaints, Lung and Stomach Troubles, Blood and Skin Disorders, Lost Vitality, Nervous Debility, Nervous Prostration, all Nervous Diseases, General Debility, Blood Poison, Anemia, Salt Rheum or Eczema, Nervous and Sick Headache, Pain in the head, Backache, Extreme Nervousness, Mental Dullness, General Lassitude and Depression, Foul Breath, Coated Tongue, Muddy and Careworn Complexion, Fevers, Typhoid Fever, Hay Fever, etc., Pneumonia, Erysipelas, Coughs, Colds, Tumors, Cancer, Piles, Hemorrhoids, Gout, Malaria Colic, Bilious Colic, Chills, Fever, and Ague, Diarrhoea, Chronic Diarrhoea, Heartburn, Palpitation of the Heart, Dizziness, Giddiness, Wind on the Stomach and in the Bowels, Bad Taste in the Mouth, Sick Stomach, Nausea, Cramps, Cholera Morbus, Watery or Sour Risings, Belching of Gas, Unrest, Oppressed or Disturbed Heart Action, Insomnia, Nightmare, Numbness of the Arms, Limbs, Hands or Feet, Dysentery, Rough Skin, Skin Eruptions, Pimples, Formation of Brown Patches on the body (generally on the forehead and cheeks and at the angles of the mouth), all Diseases Peculiar to Women, and all kinds of Chronic Diseases."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Nonvolatile matter (grams per 100 cc)-----	5.4
Plant ash (gram per 100 cc)-----	0.61
Alcohol (per cent by volume)-----	16.0
Sugars, reducing (per cent by weight)-----	1.8
Odor: Aromatic.	
Reaction: Acid.	

A hydroalcoholic solution of vegetable extractive (glycyrrhiza), an emodin-bearing drug, reducing sugars, salicylic acid (trace), inorganic salts (plant ash), and essential oil.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton and bottle) "Successful Formula for * * * Appendicitis, Heart Disease, * * * Bright's Disease, Dropsy, Diabetes, Catarrh, Tuberculosis, Consumption, Epilepsy, Asthma, Paralysis, * * * and all Chronic Diseases. A Sure Preventive of Apoplexy and Paralysis," and included in the booklet aforesaid, to wit, " * * * diseases in which Temple of Health has demonstrated its efficiency * * * Appendicitis, Heart Disease, * * * Bright's Disease, Dropsy, Diabetes, Catarrh, Asthma, Bronchitis, Tuberculosis, Consumption, Epilepsy, Convulsions, Paralysis, Apoplexy, Inflammation and Catarrh of the Bladder, * * * Lost Vitality, * * * Nervous Prostration, all Nervous Diseases, * * * Blood Poison, Anemia, Salt Rheum or Eczema, * * * Typhoid Fever, Hay Fever, * * * Pneumonia, Erysipelas, * * * Tumors, Cancer, Piles, Hemorrhoids, Gout, Malaria, * * * Chills, * * * Cholera Morbus, * * * Insomnia, * * * Dysentery, * * * all Diseases Peculiar to Women, and all kinds of Chronic Diseases," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for appendicitis, heart disease, Bright's disease, dropsy, diabetes, catarrh, bronchitis, tuberculosis, consumption, epilepsy, asthma, paralysis, all chronic diseases, convulsions, apoplexy, inflammation and catarrh of the bladder, lost vitality, nervous prostration, all nervous diseases, blood poison, anemia, salt rheum or eczema, typhoid fever, hay fever, pneumonia, erysipelas, tumors, cancer, piles, hemorrhoids, gout, malaria, chills, cholera morbus, insomnia, dysentery, all diseases peculiar to women, and all kinds of chronic diseases, and effective as a sure preventive of apoplexy and paralysis, when, in truth and in fact, said article was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On November 9, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

*,

C. F. MARVIN, *Acting Secretary of Agriculture.*